



Terry Tamminen
Secretary for
Environmental
Protection

California Integrated Waste Management Board

Rosario Marin, Chair
1001 I Street • Sacramento, California 95814 • (916) 341-6000
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025
www.ciwmb.ca.gov



Arnold Schwarzenegger
Governor

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to the California Code of Regulations (CCR) Title 14, sections 15070 and 15071, the California Integrated Waste Management Board (CIWMB or Board), acting as Lead Agency, has prepared a Negative Declaration for the project identified below. As mandated by State law, the minimum public review period for this document is 30 days. The review period begins on September 29, 2004 and ends on October 28, 2004. The proposed Negative Declaration is available for review at the California Integrated Waste Management Board, located at 1001 I Street in Sacramento, or by calling Diane Shimizu of the CIWMB at (916) 341-6238.

The proposed project in this Negative Declaration is the adoption of regulations revising the requirements of the Adjustment Method for Calculating Waste Generation Year Tonnage (Title 14 CCR, Chapter 9, Article 9.1) and the Disposal Reporting System (Title 14 CCR, Chapter 9, Article 9.2). The proposed regulations would also add a subsection regarding the maintenance of Disposal Reporting System records as part of the state minimum standards for landfills found in Title 27 CCR, Chapter 3, Subchapter 4, Article 1, section 20510.

The Board's purpose in adopting these revised Adjustment Method and Disposal Reporting System regulations is to improve the accuracy of the goal measurement system by which jurisdictions (incorporated cities, unincorporated counties, and regional agencies) demonstrate compliance with the 50% diversion rate goal of the Integrated Waste Management Act of 1989, AB 939, Sher, Chapter 1095, Statutes of 1989, Public Resources Code (PRC) section 40000 et. seq. A jurisdiction's failure to meet the 50% diversion rate goal could result in fines up to \$10,000 per day. Therefore, the use of the most accurate available data in the diversion rate calculations is critical.

The regulation revisions are largely based upon recommendations for changes to the goal measurement system developed by stakeholder and Board staff working groups pursuant to Chapter 740, Statutes of 2000 (Sher, SB 2202) and approved by the Board. Proposed revised regulatory requirements to improve the accuracy of the Adjustment Method are: 1) add county level Employment Development Department (EDD) industry employment as a default factor, 2) consider EDD labor force employment for the residential adjustment calculation and EDD industry employment for the non-residential adjustment calculation, and 3) allow use of 1991 city level industry employment data by zip code for 1990 base year if 1990-1991 employment trend was increasing. With regards to the Disposal Reporting System regulations, the proposed revisions: 1) establish statewide standards for collecting information on disposal tonnage and

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jurisdiction of origin, 2) base origin information from commercial haulers on the records kept by the hauling companies, 3) require scales at facilities above a certain threshold of waste intake, 4) require cooperation with the Disposal Reporting System as part of the minimum standards at permitted landfills, and 5) improve jurisdictions' access to timely disposal information.

Copies of the proposed regulations are available by contacting Diane Shimizu at the mailing address below, by calling 916-341-6238, or by email: dshimizu@ciwmb.ca.gov. The proposed regulations can also be accessed on the Internet at:
<http://www.ciwmb.ca.gov/Rulemaking/DRSAdjMethod/>.

A public hearing regarding consideration of adoption of the Negative Declaration by the CIWMB's Sustainability and Market Development Committee is anticipated in December 2004, at the earliest. Refer to the CIWMB's agenda web site for more information on meeting dates and agendas: <http://www.ciwmb.ca.gov/Agendas/>.

Project Title

Proposed Negative Declaration for the adoption and implementation of revised regulations for the Adjustment Method for Calculating Waste Generation Year Tonnage and the Disposal Reporting System.

Affected Code Sections

Title 14 California Code of Regulations (CCR), Chapter 9,

- Article 9.1 and
- Article 9.2

Title 27 CCR, Chapter 3, Subchapter 4, Article 1, section 20510

Project Location

Upon adoption of the revised Adjustment Method and Disposal Reporting System regulations by the Board, the provisions and conditions of these regulations will be applicable statewide.

Lead Agency Name and Address

California Integrated Waste Management Board
1001 I Street
PO Box 4025, MS #24
Sacramento, CA 95812-4025
Contact: Diane Shimizu, phone#: 916-341-6238
email: dshimizu@ciwmb.ca.gov

Affected Parties

The revised Adjustment Method and Disposal Reporting System requirements affect solid waste haulers, operators of permitted solid waste disposal facilities (transfer stations, processing

facilities, materials recovery facilities, landfills, and transformation facilities), county and regional agency disposal report coordinators, jurisdictions (incorporated cities, unincorporated counties, and regional agencies), and districts (community service, sanitary, and public utility).

Discussion of Environmental Evaluation

The purpose of these regulations is to support local jurisdictions' ability to reach and maintain California's waste diversion mandates. Access to more accurate Disposal Reporting System data and additional Adjustment Method flexibility will allow jurisdictions to better assess their waste stream and make adjustments to diversion programs as needed to comply with the Integrated Waste Management Act.

The California Environmental Quality Act (CEQA) defines a "project" as the "whole of an action that has the potential for resulting in physical environmental change, directly or ultimately" [CEQA Guidelines, section 15378(a)]. Based upon the Initial Study/Environmental Checklist, the Board finds that as long as the requirements set forth in these regulations, along with any other local, state, or federal regulations are complied with, the adoption and implementation of these regulations will not result in a significant effect on the environment, as that phrase is defined in PRC section 21068.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project. "Potentially Significant Impacts" in the three categories indicated below are discussed in the Initial Study/Environmental Checklist for this project.

- | | |
|---|--|
| <input type="checkbox"/> Land Use and Planning | <input checked="" type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Water |
| <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (Completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.



I find that although the proposed project could have a significant effect(s) on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.



I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.



I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT (EIR) is required, but it must analyze only the effects that remain to be addressed.



I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.



Diane Shimizu
Diane Shimizu, Integrated Waste Management Specialist
Disposal Reporting Section
Waste Analysis Branch
Diversion, Planning and Local Assistance Division
California Integrated Waste Management Board

9/27/04
Date